

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Robert GENNELL, Jr., et al.

Plaintiffs;

v.

FEDEX CORPORATION; FEDEX GROUND
PACKAGE SYSTEM, INC.; and FEDEX HOME
DELIVERY (a division thereof);

Defendants

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) CASE NO: 1:05-cv-00145-PB
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PROPOSED ORDER

The Court, based upon the submissions of counsel, makes the following

ORDER:

1. The following plaintiffs will make up the group of “test plaintiffs” to be used in this phase of the litigation: Robert Gennell; Kimball Rice, Scott Swazey, Gary Terrio, Shane Tucker, Lance Tucker, Shane Robinson and Joe Bills.
2. The participation of any plaintiff in this “test plaintiff” sequence will not in any manner compromise his ability to act as a named plaintiff or his status as a named plaintiff in this litigation.
3. The following schedule will control the “test plaintiff” sequence:
 - **April 13, 2012:** Deadline for plaintiffs to serve supplemental Rule 26(a)(1)(A)(iii) disclosures for the “test plaintiffs.”
 - **July 15, 2012:** Deadline for parties to complete all fact discovery on the “test plaintiffs.”
 - **July 29, 2012:** Deadline for plaintiffs to serve expert reports.
 - **September 28, 2012:** Deadline for defendants to serve expert reports.
 - **October 26, 2012:** Deadline for the parties to complete expert depositions.

- **November 23, 2012:** Deadline for parties to file summary judgment or other motions.
 - **December 28, 2012:** Deadline for oppositions to summary judgment or other motions.
 - **January 18, 2013:** Deadline for reply briefs.
4. The Court understands that the parties will take up to 45 days following the Court's decision on the summary judgment motions to conduct mediation. The Court understands and agrees that, no later than at the end of that 45 day period, the parties are to return to the Court and report on the mediation process and further, if necessary, to propose a trial calendar by which the remainder of this case will be tried.

IT IS SO ORDERED.

Dated: April 7, 2012

/s/ Paul Barbadoro
Honorable Paul J. Barbadoro
Judge of District Court

cc: Counsel of Record